

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	JAMES B. ZAGEL	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 2960	DATE	5/27/2008
CASE TITLE	U.S. ex rel. George Benton Childress (#B-82576) vs. Nedra Chandler, et al.		

DOCKET ENTRY TEXT:

The petitioner's motion for leave to proceed *in forma pauperis* [#3] is denied. Failure to pay the \$5.00 statutory filing fee within thirty days of the date of this order will result in summary dismissal of this case.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

George Benton Childress, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petitioner challenges his convictions for second degree murder and aggravated battery with a firearm on the ground that the State violated a plea bargaining agreement.

The petitioner's motion for leave to proceed *in forma pauperis* is denied for lack of a sufficient showing of indigence. The petitioner's financial affidavit reveals that he has a current balance of \$323.82 in his prison trust account. Because the petitioner is a prisoner for whom the State provides the necessities of life, such assets do not qualify him for pauper status. *See, e.g., Longbehn v. United States*, 169 F.3d 1082, 1083-84 (7th Cir. 1999), *citing Lumbert v. Illinois Department of Corrections*, 827 F.2d 257, 260 (7th Cir. 1987). The petitioner is financially able to pay the \$5.00 statutory filing fee for habeas corpus petitions and must do so if he wishes to proceed with this action. He may pay by check or money order made payable to Clerk, United States District Court. If the petitioner does not pay the filing fee within thirty days, the court will dismiss this case.

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